

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WINOK DEBYSER and
JAN DELCOUR

Application No. 09/403,625



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 18, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed June 26, 2003. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

A review of the file indicates that Examiner's Answer mailed June 29, 2005 followed the format set forth in 37 CFR § 1.192(c). However, 37 CFR § 1.192 was

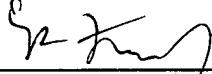
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abolished on September 13, 2004, and replaced by 37 CFR § 41.37(c). Accordingly, the Examiner's Answer of June 29, 2005 does not comply with the headings as set forth in the new rules under 37 CFR § 41.37(c). An Examiner's Answer that is in compliance with 37 CFR § 41.37(c) is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for 1) consideration of the June 26, 2003 IDS, 2) written notification to appellant regarding the result of the examiner's consideration, 3) issue a revised Examiner's Answer in compliance with the new rules, and 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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